

CV 14

5540

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

☐ ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **SEP 17 2014** ★

Darius Burris
Full name of plaintiff/prisoner ID#

LONG ISLAND OFFICE

Plaintiff,

JURY DEMAND

YES ☒ NO ☐

-against-

NASSA COUNTY DISTRICT ATTORNEY
NASSAU COUNTY POLICE / HEMPSTEAD POLICE
QUEENS COUNTY DISTRICT ATTORNEY

Enter full names of defendants NEW YORK CITY POLICE
[Make sure those listed above are
identical to those listed in Part III.]

BIANCO, J.

BROWN, M. J.

Defendants.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ☒ No ☒ ← "no"
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: Darius Burris

Defendants: NASSAU County

2. Court (if federal court, name the district;
if state court, name the county)

EASTERN DISTRICT / NASSAU County SUPREME

3. Docket Number: 2:11-CV-00119-MKB-ARL/U/K

4. Name of the Judge to whom case was assigned: U/K

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

PENDING / PENDING TRIAL DATE SET 9/2014.

6. Approximate date of filing lawsuit: EASTERN DISTRICT / NASSAU County Supreme
2011-01-FEB / 2006

7. Approximate date of disposition: PENDING? / PENDING TRIAL

II. Place of Present Confinement: NASSAU County CORR FAC

A. Is there a prisoner grievance procedure in this institution? Yes (☒) No ()

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No (☒)

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not IT DOES NOT HAVE

ANYTHING TO DO WITH

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No (☒)

F. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff DARIUS BURRIS

Address NASSAU COUNTY JAIL
100 CARMEN AVE, EAST MEADOW, N.Y. 11554.

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

NASSAU COUNTY DISTRICT ATTORNEY
262 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501.

Defendant No. 2

NASSAU COUNTY POLICE
N. FRANKLIN AVE.
MINEOLA, NEW YORK 11501
① DET. DEZELIC ② DET. GUBELLI
③ L.L. BODEN

Defendant No. 3

QUEENS COUNTY DISTRICT ATTORNEY
QUEENS BLVD
Kew GARDENS, NEW YORK
A.D.A. JOHN/JANE DOE

Defendant No. 4

NEW YORK CITY POLICE
1 POLICE PLAZA
NEW YORK NEW YORK 10038
DETS ① TRIMORAEAS ② PULEO ③ Sgt. REILLY
④ J DOE (DET)

Defendant No. 5

HEMPSTEAD POLICE DEPT
NICHOLAS COURT
HEMPSTEAD, N.Y. 11550
P.O. MURPHY P.O. J.DOE Sgt. J.DOE
L.A. J.DOE

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

ON DECEMBER 27th 2013³, HEMPSTEAD P.O. MURPHY, AND P.O. J. DOE MADE AN UNLAWFUL ARREST FOR (QUEENS COUNTY) AND/OR N.Y.C. POLICE FOR ^{D.K.T. NO.} 2013 & 2016. ON 12-28-13, INVOICE NO. 4000194561 WAS VOUCHERED (FOR INVESTIGATORY PURPOSES TO DETERMINE OWNER), IN WHICH WAS PROPERTY THAT WAS TAKEN OFF OF ANOTHER PERSON AND ATTRIBUTED TO PLAINTIFF. AS A MATTER OF JURISDICTION, QUEENS COUNTY HAD SAID PROPERTY AND REFUSED TO PERSECUTE THE PLAINTIFF FOR POSSESSION OF ALLEGED STOLEN PROPERTY. UPON PLAINTIFF'S RELEASE FROM N.Y.C. DEPT OF CORRECTIONS ON APRIL 25, 2014, NASSAU COUNTY DET'S JANE DOE, JOHN DOE, AND DEFENDANT OF 2:11-CV-00119 - (MKB) (ARL) DET DEZELIC MADE THE ARREST OFFICIALLY ON PAPER OF DKT NO. 8 8116; 8117; 8118 N-14. AS OF MAY 1ST 2014 NASSAU COUNTY A.D.A. SIOANE A.D.A. ADOBE, A.D.A. JANE OR JOHN DOE FRAUDULENTLY SIGNED LEGAL DOCUMENT WITH SUPREME COURT OF NASSAU COUNTY COURT THAT A GRAND JURY,

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

AS A RESULT OF USE OF EXCESSIVE FORCE FROM N.Y.C. DEPT OF CORRECTIONAL STAFF NAMELY P.O. SPATIA AND JANE DOE AND JOHN DOE NASSAU COUNTY DETECTIVES, AND DET. DEZELIC MY ARMS HANDCUFFED BEHIND MY BACK WAS LIFTED WAY ABOVE MY HEAD BY N.Y.C. DOE. SPATIA, WITH THE HELP OF NASSAU COUNTY DETECTIVES DURING AN ATTEMPT TO RELEASE SAID PLAINTIFF TO NASSAU COUNTY. SAID ALTERCATION WAS IGNITED BY C.O. SPATIA, AND EGGED ON BY NASSAU COUNTY. AFTER EXPLAINING THAT I WAS IN EXCESSIVE PAIN AND REQUESTED MEDICAL TREATMENT TO NASSAU COUNTY DETECTIVES IT WASN'T UNTIL AFTER BOOKED AND FINGERPRINTED WAS I TAKEN TO N.C.U.M.C. FOR TREATMENT, WHERE I HAD TO RETURN A SECOND TIME, AND A BACK BRACE WAS LOST

V. Relief:

State what relief you are seeking if you prevail on your complaint.

THAT U.S. ATTORNEY'S OFFICE OF EASTERN DISTRICT WILL
STEP IN AND INVESTIGATE NASSAU COUNTY DISTRICT ATTORNEY'S
OFFICE ALONG WITH ITS UNIFIED COURT SYSTEM AND POLICE
FOR SAID CORRUPTION. AND PLAINTIFF SEEKS DAMAGES FOR BEING
RESTRAINED OF HIS LIBERTY AND HELD IN CUSTODY EXTENDED
PERIOD OF TIME FROM ~~4-30-14~~ - 4-30-14 - 6-11-14. AND SAID
PAST TIME ALLOWED AND \$10,000,000.00 IS SOUGHT FOR
DAMAGES. PLAINTIFF ALSO SEEKS EASTERN DISTRICT PERQUITE PERSON
OR PERSON'S INVOLVED.

I declare under penalty of perjury that on SEP 9th 2014, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 9 day of September, 2014. I declare under penalty of
perjury that the foregoing is true and correct.

CARMINE PULGRANO
Notary Public, State of New York
No. 01PU6094168
Qualified in Nassau County
Commission Expires June 16, 2016

Carmine Pulgrano

Dariusz Burdus
Signature of Plaintiff
NASSAU COUNTY CORRECTIONAL
Name of Prison Facility
100 CARMAN AVE
EAST MEADOW
NEW YORK 11554
Address
14003228
Prisoner ID#

(I V) STATEMENT OF CLAIM

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HAD INDICTED THE PLAINTIFF ON SAID DOCKET NO 8116; IN WHICH IS FALSE. THE PLAINTIFF WAS NEVER FORMALLY CHARGED WITH ALLEGED POSSESSION OF THE SAID PROPERTY THAT IS VOUCHERED BY N.Y.C. POLICE UNDER VOUCHER NO 4000194561, THAT THE PROPERTY CLERK OF QUEENS COUNTY HAS. AND AS OF MAY 1ST 2014, THE PLAINTIFF SHOULD HAVE BEEN RELEASED FROM CUSTODY FROM THE NASSAU COUNTY JAIL BY THE OFFICE OF THE NASSAU COUNTY DISTRICT ATTORNEY, DUE TO THE FACT THAT THE PLAINTIFF HAD BE RESTRAINED OF HIS LIBERTY, AND SAID DKT. NOS 8116; 8117; 8118; WAS NEVER PRESENTED TO THE GRAND JURY. THE PLAINTIFF SHOULD HAVE BEEN RELEASED, DUE TO HIS REQUEST FOR A FELONY EXAMINATION UPON THE FELONY COMPLAINTS HE WAS ARRESTED UPON. WHEREAS THE DISTRICT ATTORNEY, AS OF APRIL 26, 2014, HAD 144-HOURS TO PRESENT THE MATTERS TO A GRAND JURY OR RELEASE PETITIONER. IT WASN'T UNTIL AFTER THE PETITIONER'S WRIT OF HABEAS CORPUS WAS DENIED BEFORE HON. JUDGE MONROFF, AND THEN ARRANGED ON SAID INDICTMENT. 68DN-14, IN WHICH THE PLAINTIFF'S LAWYER CHALLENGED THE INDICTMENT AND ASKED THE COURT FOR IMMUNITY, FOR PLAINTIFF DUE TO THE FALSE DOCUMENT SIGNED WITH THE SUPREME COURT. SAID COURT OF JUDGE MONROFF IS BAISED AGAINST PLAINTIFF AND THE OFFICE OF THE DISTRICT ATTORNEY OF NASSAU IS MALICIOUSLY PERSECUTING PLAINTIFF DUE TO 2:11-CV-00119-(MKB)(ARL) AND DUE TO CIVIL CLAIM IN NASSAU SUPREME COURT.

NASSAU COUNTY DISTRICT ATTORNEY HAS FILLED

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I V STATEMENT OF CLAIM

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DKT No 025660/09 A SECOND TIME, AFTER THIS PLAINTIFF WAS ARRESTED ON 10/03/09. AND SODOMIZED BY NASSAU County Police, IN A POLICE STATION IN NASSAU County. THE PLAINTIFF HAD ALREADY SERVED TIME UPON AND PLEADED GUILTY UPON SAID CHARGE. ON FEBRUARY 1, 2011. A CIVIL RIGHTS COMPLAINT 42 U.S.C. § 1983. DERIVED FROM SAID COMPLAINT IN WHICH IS DOUBLE JEOPARDY.

THE PLAINTIFF IS DEPRIVED OF DUE PROCESS OF THE LAW, THE EQUAL PROTECTION OF THE LAW, AND SHOULD BE EXEMPT FROM MALICIOUS PERSECUTION, AND FREE FROM DISCRIMINATION UNDER THE COLOR OF THE LAW FOR THE FILING OF CIVIL COMPLAINTS AGAINST NASSAU County.

EACH TIME THIS PLAINTIFF'S STATE CLAIM, COMES BEFORE THE SUPREME COURT OF NASSAU FOR TRIAL, THE SAID DEFENDANT'S FILE FICTITIOUS COMPLAINTS AGAINST THE PLAINTIFF KNOWING THAT THE STATE SUPREME COURT OF NASSAU DOES NOT PRODUCE INMATES TO ITS COURT'S, DUE TO NOT HAVING HOLDING AREAS.

WHILE AWAITING THIS PLAINTIFF'S FATE BEFORE A BIASED COURT IN NASSAU County THIS PLAINTIFF SUFFER'S FROM PROPER AND ADEQUATE REPRESENTATION, AND ATTORNEY CLIENT PRIVILEGE IS ALWAYS BROKEN DUE TO THE COURT'S AND PREVIOUS ATTORNEY'S WHO HAD EITHER WORKED FOR THE NASSAU County DISTRICT ATTORNEY WHILE (DEFENDANT) PLAINTIFF WAS ACCUSED OF MINOR OFFENSES OR OPENLY DISCUSSED THE DEFENDANT'S CASE BEHIND CLOSED DOOR. THE PLAINTIFF

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(IV) STATEMENT OF FACTS

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SUFFER'S FROM THE EFFECTIVE ASSISTANCE OF COUNSEL AND EQUAL PROTECTION OF THE LAW.

BEING THAT THIS PLAINTIFF HAS PENDING CIVIL RIGHTS CLAIM 2:11-CV-00119 (MKB) (HAL) BEFORE THE EASTERN DISTRICT AS WELL, THE PLAINTIFF HAS SUFFERED RETALIATION IN THE PAST AS LONG AS THE PRESENT, AND SUCH COMPLAINTS HAVE GONE UNFOUNDED, AND IGNORED. ON OR ABOUT JULY 28, OR JULY 31ST 2014, THE PLAINTIFF CALLED THE OFFICE OF THE NASSAU COUNTY DISTRICT ATTORNEY, OFFICE OF PUBLIC CORRUPTION TO FILE ~~AS~~ A FORMAL COMPLAINT, AND TO INQUIRE ABOUT THE CORRESPONDANCE THAT WAS SENT TO THAT OFFICE, AND IT COULD BE HEARD AFTER THE PERSON HUNG UP OR THOUGHT THEY HUNG UP. STATING TO COPY SAID LETTER AND SEND IT TO SOMEONE. PLAINTIFF IS AGAIN IGNORED BY NASSAU COUNTY DISTRICT ATTORNEY'S OFFICE, AND POLICE CORRUPTION STILL APPEARS TO GO UNFOUNDED IN NASSAU COUNTY, AND THE PLAINTIFF SUFFERS STILL FROM MALICIOUS PERSECUTION, AND IS UNABLE TO PREPARE A MEANINGFULL DEFENCE AS A RESULT.